

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 202104442	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 7:55 PM	Location of Incident: East 137th Street and Brown Place	Precinct: 40	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 07/28/2021 11:27 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/28/2021 11:27 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Iodice	17511	951840	040 PCT
2. SGT Niazul Haque	01052	943349	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B. Officers	Force: Officers struck individuals with batons.	
C. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
D. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
E. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
F. Officers	Discourtesy: Officers spoke discourteously to individuals.	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H. An officer	Force: An officer struck § 87(2)(b) with a baton.	
I. Officers	Force: Officers used physical force against § 87(2)(b)	
J. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
K. Officers	Force: Officers used physical force against § 87(2)(b)	
L. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
M. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
N. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b) § 87(2)(b)	[REDACTED]
O. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	[REDACTED]

Case Summary

On July 28, 2021, § 87(2)(b) filed this complaint with the CCRB via the website.

On the evening of June 4, 2020, § 87(2)(b) her brother § 87(2)(b) and their friends § 87(2)(b) and § 87(2)(b) attended a police brutality protest held at the intersection of East 149th Street and 3rd Avenue in the Bronx. A large number of both protesters and police officers were present at the event. The protesters eventually marched south along Willis Avenue before turning onto East 136th Street. At approximately 8:00 p.m., the majority of the protesters were surrounded by police officers and detained along East 136th Street between Brown Place and Brook Avenue.

§ 87(2)(b) and § 87(2)(b) however, broke away from the main group of protesters immediately before they were surrounded. § 87(2)(b) and § 87(2)(b) walked north, to the intersection of East 137th Street and Brown Place. § 87(2)(b) a resident of a nearby building, was standing by the intersection. § 87(2)(b) had not participated in the protest. Several other protesters walked to the intersection as well. Officers allegedly forced several unidentified protesters to the ground and struck them with batons before arresting them (**Allegation A: Force – Physical force, § 87(2)(g); Allegation B: Force – Nightstick as club, § 87(2)(g)**).

Several officers allegedly told § 87(2)(b) and § 87(2)(b) “Keep fucking walking” and, “Get the fuck out” (**Allegations C, D, E and F: Discourtesy – Word, § 87(2)(g)**). They started walking away, but several officers grabbed them by the arms and arrested them. An officer allegedly kicked § 87(2)(b) in the leg (**Allegation G: Force – Physical force, § 87(2)(g)**). Another officer struck § 87(2)(b) with a baton (**Allegation H: Force – Nightstick as club, § 87(2)(g)**). Another officer allegedly tackled § 87(2)(b) to the ground and arrested him as well (**Allegation I: Force – Physical force, § 87(2)(g)**).

An officer then allegedly told § 87(2)(b) “Shut the fuck up” (**Allegation J: Discourtesy – Word, § 87(2)(g)**). Several officers then allegedly punched § 87(2)(b) forced him to the ground and placed him in handcuffs. They then allegedly dragged him across the ground (**Allegation K: Force – Physical force, § 87(2)(g)**).

Once § 87(2)(b) and § 87(2)(b) were in handcuffs, they were gathered with several other unidentified prisoners at the intersection. An officer allegedly threatened to use force against § 87(2)(b) (**Allegation L: Abuse of Authority – Threat of force, § 87(2)(g)**). This officer also allegedly called § 87(2)(b) a “fucking faggot” (**Allegation M: Discourtesy – Word, § 87(2)(g); Allegation N: Offensive Language – Sexual orientation, § 87(2)(g)**). An officer also allegedly cut off the strap of a backpack § 87(2)(b) was wearing (**Allegation O: Abuse of Authority – Property damage, § 87(2)(g)**).

The protesters were subsequently transported to the 40th Precinct stationhouse, where they were issued summonses for violating the curfew (Board Review #01-04). § 87(2)(b) and § 87(2)(b) were released from custody later that night, while § 87(2)(b) was held overnight after it was discovered that he had an active bench warrant (Board Review #05).

This complaint resulted from the 2020 police brutality protests. It was one of approximately thirty received by the CCRB regarding this particular protest event. All allegations pertaining to overall command and control decisions made during this protest, including allegations of kettling and other

concerted enforcement actions performed under the supervision of then-Chief of Department Terrance Monahan and Assistant Chief Kenneth Lehr, are addressed in CCRB case #202006855.

The investigation obtained two clips of cell phone video recorded during § 87(2)(b)'s and § 87(2)(b)'s arrests. The videos are attached in IA #43 and summarized in IA #50 (Board Review #06-07). Investigations into the other complaints generated during this protest obtained approximately two hundred clips of video footage for this incident, including 131 BWC videos. None of these videos recorded these allegations.

Findings and Recommendations

Allegation (A) Force: Officers used physical force against individuals.

Allegation (B) Force: Officers struck individuals with batons.

Allegation (C) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (D) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (E) Discourtesy: Officers spoke discourteously to § 87(2)(b)

Allegation (F) Discourtesy: Officers spoke discourteously to individuals.

Allegation (G) Force: An officer used physical force against § 87(2)(b)

Allegation (H) Force: An officer struck § 87(2)(b) with a baton.

Allegation (I) Force: Officers used physical force against § 87(2)(b)

Allegation (J) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (K) Force: Officers used physical force against § 87(2)(b)

Allegation (L) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.

Allegation (M) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (N) Offensive Language: An officer made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)

Allegation (O) Abuse of Authority: An officer damaged § 87(2)(b)'s property.

Known Facts and General Descriptions

On September 9, 2021, § 87(2)(b) was interviewed by the CCRB. On September 29, 2021, § 87(2)(b) answered several follow-up questions (Board Review #08). On October 1, 2021, § 87(2)(b) was interviewed by the CCRB. On October 5, 2021, § 87(2)(b) was interviewed by the CCRB. On October 8, 2021, § 87(2)(b) was interviewed by the CCRB. § 87(2)(b) declined to provide a statement to the CCRB regarding this incident.

It is undisputed that there was a citywide curfew in place on June 4, 2020. The curfew began at 8:00 p.m. That day, a large protest against police brutality was held at the intersection of East 149th Street and 3rd Avenue in the Bronx. At least a hundred civilians attended. A large contingent of officers from various commands was assigned to monitor the protest. The protesters marched south along Willis Avenue before turning onto East 136th Street. They then proceeded east until they reached the block between Brown Place and Brook Avenue. Officers then halted the march and surrounded a large group of protesters on that block, containing them. Numerous protesters, including § 87(2)(b) and § 87(2)(b) had not entered the block yet and therefore remained outside of the police cordon. They instead walked north on Brown Place, reaching the intersection with East 137th Street. § 87(2)(b) a resident of nearby § 87(2)(b), was standing at the intersection and observing the protesters. He had not participated in the protest. Officers then arrested several individuals at the intersection, including § 87(2)(b) and § 87(2)(b). § 87(2)(b) was not taken into custody. The detained civilians were loaded into a prisoner van and transported to the 40th Precinct stationhouse. There,

Police Officer Niazul Haque and Police Officer John Iodice of the 40th Precinct issued them summonses for violating the curfew (Board Review #01-04). § 87(2)(b) was held in custody when it was discovered that he had an active bench warrant (Board Review #05). The other prisoners were released after their summonses were issued.

§ 87(2)(b) stated that she attended the protest with her brother, § 87(2)(b) their friend, § 87(2)(b) and several other friends. She did not mention § 87(2)(b). She was dressed in all black and was carrying a black backpack. When the main body of protesters were surrounded on East 136th Street, she, § 87(2)(b) and § 87(2)(b) tried to leave the protest by walking a block north to the intersection of East 137th Street and Brown Place. She lost track of the rest of her friends when she walked north. When § 87(2)(b) arrived at the intersection, she noticed a uniformed officer standing over an unidentified male protester who was kneeling on the ground in plastic flex cuffs. She described the officer as an approximately 6' tall white male with red hair. She did not see how this protester came to be on his knees or in handcuffs. She did not observe any injuries to this protester or see any officers use force against him. § 87(2)(b) asked the protester what his name was. He answered, but she did not hear his name. The officer then told § 87(2)(b) to keep walking. In her initial complaint, § 87(2)(b) stated that an officer used profanity at some point during the incident. She did not mention any uses of profanity in her initial interview but alleged in her follow-up statement that the officer may have told her to "keep fucking walking." § 87(2)(b) and § 87(2)(b) started walking west on East 137th Street. A group of four to six uniformed officers in helmets started following them. The officer who had told them to walk away was not with them. She described one as an approximately 6' tall black male in his 40s and another as a heavyset white male with thinning hair. She could not recall what the other officers looked like. These officers grabbed § 87(2)(b) and § 87(2)(b) by their arms. One of the officers kicked her in the legs. § 87(2)(b) could not tell which officer kicked her. § 87(2)(b) tried to walk over to § 87(2)(b). The black male officer then took out a baton and struck § 87(2)(b) on one of his shoulders. The officers then placed § 87(2)(b) and § 87(2)(b) in flex cuffs. Neither of them was injured. § 87(2)(b) noticed § 87(2)(b) recording her arrest from across the street on a cell phone.

The officers then escorted § 87(2)(b) and § 87(2)(b) back to the intersection, where they were gathered along with approximately a dozen other protesters who were also restrained in flex cuffs, including the male protester she had seen before. Officers also brought over § 87(2)(b) and § 87(2)(b) in flex cuffs. § 87(2)(b) had not seen them being taken into custody and did not see if officers used force against them. They both told § 87(2)(b) that officers had tackled them. She noticed that § 87(2)(b) had scratches on his forehead and that § 87(2)(b) was bleeding from his knees. The heavyset white male officer who had followed § 87(2)(b) and § 87(2)(b) called § 87(2)(b) a "fucking faggot." § 87(2)(b) and the other prisoners were then loaded into a prisoner van. § 87(2)(b) did not recall what the van looked like. As they were escorted inside, a female officer removed § 87(2)(b)'s backpack by cutting one of the straps off. § 87(2)(b) did not recall what this officer looked like. The prisoners were then driven to the 40th Precinct stationhouse. There were a large number of officers and civilians in custody at the stationhouse. None of the officers § 87(2)(b) had seen at the intersection were present at the stationhouse. One of the officers, identified by the investigation as Police Officer Haque, issued § 87(2)(b) a summons for violating the curfew and released her from custody.

§ 87(2)(b) stated that he attended the protest with § 87(2)(b) and § 87(2)(b). When officers surrounded the main body of protesters, § 87(2)(b) his group and several other protesters turned down a side street and walked to the intersection of East 137th Street and Brown Place. There, they were approached by a group of six uniformed officers. He described one officer as an approximately 5'6" tall white male in his 60s with a white-shirted uniform and a limp in his

left leg. He identified this officer as a captain because he was giving orders to the other officers. He described another of these officers as an approximately 6' tall white male in his late 30s with blond hair. § 87(2)(b) did not recall what the other officers looked like. The officers told § 87(2)(b) and his group to leave. § 87(2)(b) did not mention any of these officers using profanity. The officers then grabbed § 87(2)(b) and § 87(2)(b) and pushed them against a nearby gate. § 87(2)(b) was walking about ten feet ahead of them at that moment. The officers held them against the gate and placed them in metal handcuffs. § 87(2)(b) did not see the officers hit the siblings or strike them with batons. He was unaware of either of them suffering injuries while being arrested. § 87(2)(b) called out to the officers and told them not to act so aggressively. He and § 87(2)(b) then ran away from the officers. The blond officer ran after § 87(2)(b) and tried to tackle him from behind, but § 87(2)(b) kept his balance and kept running. About ten seconds later, however, a different officer successfully tackled him from behind. § 87(2)(b) described this officer as an approximately 7' tall white male in his 30s wearing a white T-shirt. This officer had not assisted in arresting § 87(2)(b) or § 87(2)(b). § 87(2)(b) landed face-down on the ground, which caused cuts and bruises on the left side of his face, his right knee and right elbow. This officer placed § 87(2)(b) in metal handcuffs. § 87(2)(b) kept running when § 87(2)(b) was arrested and left the intersection.

The officers escorted § 87(2)(b) and § 87(2)(b) to a nearby building. They also escorted over four other individuals in handcuffs, including § 87(2)(b). § 87(2)(b) did not know any of these individuals and had not seen how they came to be in handcuffs. § 87(2)(b) was bleeding from his wrists. He said that he lived in a nearby building and had been arrested when he came outside. Another officer, whom § 87(2)(b) described as a white male wearing a "SWAT" uniform and a helmet, ordered § 87(2)(b) to sit down. When § 87(2)(b) said that he did not want to sit, this officer stated, "If you don't sit down, I will make you sit down." He then called § 87(2)(b) a "fucking faggot." § 87(2)(b) then sat down. A few minutes later, a Sprinter van arrived at the intersection. § 87(2)(b) and the other prisoners were loaded inside. There was a barrier between the van's prisoner compartment and the driver's compartment, so § 87(2)(b) could not see who was driving it. § 87(2)(b) did not recall seeing any officer remove a backpack from § 87(2)(b) or damage it. When the van delivered the prisoners to the stationhouse, § 87(2)(b) saw that there were about 18 to 20 other people from the protest already in custody there. He did not recognize them. § 87(2)(b) was issued a summons for violating the curfew but was then held in custody overnight after he was found to have an active bench warrant related to a marijuana arrest from several years earlier. He was released from the stationhouse the next day. He sought treatment at § 87(2)(b) for his injuries.

§ 87(2)(b) stated that he lived at § 87(2)(b) at the time of the incident. He did not participate in the protest. A few minutes before the curfew, he noticed the protesters marching past his home at the intersection of East 137th Street and Brown Place. He went outside to observe them.

§ 87(2)(b) did not recognize any of the protesters. He was barefoot at the time. The protesters did not leave when the 8:00 p.m. curfew started. A few minutes later, several police vehicles, both marked and unmarked, drive up to the intersection. Approximately twenty officers exited the vehicles. They were wearing helmets and carrying wooden batons and plastic flex cuffs. These officers started pushing approximately six of the protesters to the ground, punching them, and striking them with batons. § 87(2)(b) could not describe officers' specific actions while hitting the protesters in detail. He could not describe the protesters the officers were hitting in detail, stating only that the officers appeared to only be hitting protesters who were people of color. He noticed one protester, a tall white male with blond hair and glasses, sit down on the ground and hold up his hands as the officers hit other protesters. None of the officers used force against him. § 87(2)(b) believed that the officers did not hit this protester because he was white.

He could not describe the officers hitting the protesters in detail, stating only that one of them was a South Asian male and that the rest were white males. The officers then placed the protesters that they had hit, the white male protester, and several other protesters in flex cuffs. § 87(2)(b) estimated that about ten protesters were restrained in total.

§ 87(2)(b) also observed a different group of approximately five or six officers arrest § 87(2)(b) and § 87(2)(b). He initially stated that their arrests took place after the first group of protesters were arrested, but later stated that their arrests took place at the same time. § 87(2)(b) described one of these officers as a 6' tall white male in a white-shirted uniform, and the others as 5'8" tall white males in blue uniforms. One of the officers in a blue uniform punched § 87(2)(b) in the stomach and grabbed her by the back of the neck for several seconds. Other officers grabbed § 87(2)(b) and held him against a fence. The officers did not hit § 87(2)(b) § 87(2)(b) recorded this arrest on his cell phone. He stood across the street as he recorded. He denied crossing the street or leaving his building's property. The officers then loaded § 87(2)(b) and the other ten prisoners into two unmarked vans.

A few minutes later, the officers § 87(2)(b) had initially seen striking the first group of protesters with batons approached him in front of his building. They told § 87(2)(b) to go home. He replied that he lived at the location and was therefore already home. The South Asian officer told § 87(2)(b) "Shut the fuck up." The officers then walked away. § 87(2)(b) continued recording the incident on his phone. The South Asian officer and two of the white male officers who arrested § 87(2)(b) and § 87(2)(b) then walked to § 87(2)(b). The white officers grabbed § 87(2)(b) somewhere on his body and held him still while the South Asian officer punched § 87(2)(b) three times in the stomach. All three officers then pushed him to the ground, where the South Asian officer and one of the white officers punched him several more times. The South Asian officer told him, "Shut the fuck up." § 87(2)(b) suffered abrasions on the right side of his face, his right forearm and both forearms. The officers placed their knees on § 87(2)(b)'s back and pulled his arms back to restrain him with flex cuffs. The officers then dragged him bodily across the ground to bring him to one of the unmarked vans. Another officer, described only as a female, punched § 87(2)(b) in the stomach as he was loaded into the van. § 87(2)(b) did not recall hearing any officer use inappropriate language towards any of the other prisoners, including using any homophobic slurs. He did not observe officers damage a bag belonging to § 87(2)(b).

§ 87(2)(b) and the other prisoners were driven to the 40th Precinct stationhouse. He was issued a summons by another officer who had not been present at the intersection. He was released from custody later that night. After he was released, he went to an urgent care center for his injuries, which in turn referred him to § 87(2)(b).

§ 87(2)(b) stated that she attended the protest with her cousin. She declined to identify her cousin to the CCRB, but the investigation identified him as § 87(2)(b). She denied knowing anybody else at the protest and did not mention walking with anybody besides § 87(2)(b). At 8:00 p.m., when the curfew started, several officers started shouting, "Get the fuck out," and, "Go to the trains." § 87(2)(b) could not describe any of these officers. § 87(2)(b) and several other unidentified protesters tried to leave. Protesters started scattering in every direction. § 87(2)(b) noticed that there were officers standing on every surrounding street. She did not recall which street she and § 87(2)(b) went down or what direction they were headed in. As they left, § 87(2)(b) saw officers striking several unidentified protesters on their arms and torso with batons. § 87(2)(b) was unable to describe what the protesters or the officers looked like. A group of five or six officers followed § 87(2)(b) and § 87(2)(b) telling them, "Get the fuck out." She could not describe these officers. Three other officers then tackled § 87(2)(b) to the ground. § 87(2)(b) could not describe these officers either. § 87(2)(b) then ran away, leaving the area. She

did not see what happened to § 87(2)(b) or the other protesters after that moment. She did not mention officers using homophobic language or damaging a protester's property. After the incident, § 87(2)(b) told § 87(2)(b) that he was taken to an unidentified police stationhouse and issued a summons. He suffered various scrapes over his body as a result of being tackled.

Video Evidence

§ 87(2)(b) provided two clips of cell phone footage recorded during the incident. The first was the footage that § 87(2)(b) recorded. § 87(2)(b) did not know the name of the person who recorded the second video. Both videos recorded § 87(2)(b)'s and § 87(2)(b)'s arrest. Both videos are attached in IA #43 (Board Review #06).

The first video is 1:44 minutes long. At the start of the first video, a group of uniformed officers wearing helmets are seen following § 87(2)(b) and § 87(2)(b) as they walk along a sidewalk. § 87(2)(b) records them from the opposite side of the street. No marked vehicles are seen at the intersection. Several voices are heard telling them to keep walking. At 0:15 into the recording, an officer in a white-shirted uniform tells the other officers to stop them. The officers grab § 87(2)(b)'s and § 87(2)(b)'s arms, hold them against a fence, and start applying plastic flex cuffs. Both civilians pull away from the officers holding their arms. Their lower bodies are obscured by parked cars, so it is unclear whether any officers kick § 87(2)(b)'s leg. § 87(2)(b) then tells the officers not to be rough with § 87(2)(b) because she is female. At 0:45 into the recording, § 87(2)(b) reaches his right arm towards § 87(2)(b). One of the officers then strikes § 87(2)(b)'s right wrist once with a baton. § 87(2)(b) then crosses the street, standing next to the curb where § 87(2)(b) and § 87(2)(b) are being arrested. § 87(2)(b) is seen to be carrying a backpack at that time. At 1:10 into the recording, § 87(2)(b) walks back across the street. The video then ends.

§ 87(2)(b)'s cell phone footage did show that one of the officers who restrained § 87(2)(b) wore a helmet printed with a shield number starting with the digits "176" or "178." A review of the CTS database showed that there are over 140 officers whose shield numbers start with those digits. None of the other officers' identifying information is visible on the recording.

The second video depicts the same events as the first video. It is 0:40 seconds long. At the start of the video, officers have already surrounded § 87(2)(b) and § 87(2)(b) and are pulling on their arms. § 87(2)(b) and § 87(2)(b) try to pull away from the officers. At 0:10 into the recording, an officer strikes § 87(2)(b)'s right wrist with a baton. At 0:20 into the recording, § 87(2)(b) approaches the arrest while holding up his cell phone. No officers are seen kicking § 87(2)(b) on this recording. None of the officers' names or shield numbers are readable in this recording.

Both videos show that the arrests took place during daylight hours. No other arrests, including § 87(2)(b)'s or § 87(2)(b)'s, are seen on either video. The various prisoners being gathered at the intersection and loaded into the transport vans are not seen either. No officers are heard using profanity or offensive language or damaging § 87(2)(b)'s backpack during these recordings.

No other video footage was found depicting this incident. As noted above, investigations into other complaints stemming from this protest located over two hundred videos from this incident, including 131 BWC recordings. A review of these videos found that almost all of them depicted the main group of protesters that were surrounded by officers on East 136th Street, between Brown Place and Brook Avenue. A BWC request made specifically for videos at this location returned negative results (Board Review #09).

Only one video depicted the intersection of East 137th Street and Brown Place. This video, a cell phone video obtained from CCRB #202004301, was provided to the CCRB by § 87(2)(b), a victim in that complaint. § 87(2)(b) was one of the protesters surrounded by officers on East 136th Street. He was not present at the intersection of East 137th Street and Brown Place and had no apparent involvement in these allegations. § 87(2)(b) stated that he obtained the video from a social media post by an unidentified user named § 87(2)(b).” The video has been attached in this case in IA #104 (Board Review #10). This video, which is 1:31 minutes long, shows a large crowd of both civilians and officers gathered at the intersection. It is dark out. Many of the civilians are seen to be handcuffed or otherwise restrained. None appear to be the civilians involved in this incident. Several marked SUVs are parked around the intersection. No prisoner vans are observed. No arrests or FADO allegations are seen on the recording.

The investigation determined that the third video took place after this incident and does not depict any of the allegations. The first two videos showed that these allegations took place during daylight hours, but it is dark in this video. According to the website www.timeanddate.com, the sun set at 8:23 p.m. on June 4, 2020 (Board Review #11). This is confirmed in the various BWC recordings made elsewhere during the incident, which show that it did not become dark out until after approximately 8:45 p.m. As will be discussed below, the 40th Precinct’s command log shows that the prisoners, including ### #####, ### #####, ### #####, and ### #####, were all lodged at the stationhouse by 8:26 p.m. Furthermore, this video shows a large crowd of people and several marked police vehicles present at the intersection that were not present in the first two videos. It can therefore be concluded that the third video takes place long after the incident and that the civilians and officers seen in this video are not the same ones depicted in the first two videos.

NYPD Documents Reviewed

It is undisputed that a large number of officers were present during this protest. In his testimony as part of CCRB #202006855, Assistant Chief Lehr, who was supervised the police response to the protest, estimated that there were more than 400 officers involved. The 40th Precinct summons log (Board Review #12) and the Mass Arrest Processing Log (Board Review #13) list the arrests and summonses that were made during the protest, as well as the officers who prepared the arrest and summons paperwork. These officers hailed from a variety of commands, including the 40th Precinct, PSA 7, Patrol Borough Bronx, the Disorder Control Unit and SRG.

Roll calls from the 40th Precinct, PSA 7, SRG 1 and the Disorder Control Unit list a large number of officers who were assigned to the protest (Board Review #14-17). Detail rosters also list ten separate mobile field forces that were deployed to the protest (Board Review #18). None of these documents, however, provide specific assignments for these officers or identified posts, locations or duties they were assigned. It is therefore unclear which officers would have been at the intersection of East 137th Street and Brown Place.

No TRI reports were prepared for any of the civilians involved in this incident (Board Review #19).

The 40th Precinct command log records that between 8:13 p.m. and 10:05 p.m., 36 different prisoners were lodged at the stationhouse. All of their arrest locations are listed as either the intersection of East 136th Street and Willis Avenue or the intersection of East 136th Street and Brook Avenue, which places them at the location of the protest. § 87(2)(b) and § 87(2)(b) were all stamped in at 8:26 p.m., while § 87(2)(b) was stamped in at 8:30 p.m. The civilians’ command log entries list that Police Officer Haque and Police Officer Iodice of the 40th Precinct were assigned to issue their summonses, but do not list who took them into custody or

transported them to the stationhouse (Board Review #05).

Concurrent Investigations

There are no concurrent investigations into these specific allegations. Multiple agencies, including the NYS Office of the Attorney General, conducted independent investigations into the NYPD's general response to the protest on June 4, 2020, but these investigations focused on the broader command and control decisions made by high-ranking officers such as Chief Monahan and Assistant Chief Lehr. They did not include investigations into individual allegations, such as the ones detailed in this complaint.

Ranking Officers

Chief of Department Monahan and Assistant Chief Lehr were both present during the protest and supervised the NYPD response. Both officers were interviewed as part of CCRB case #202006855. Their testimony indicated that their attention was focused on the main body of protesters that was surrounded on East 136th Street. There is no indication that either officer traveled to or issued instructions to officers at the intersection of East 137th Street and Brown Place. The cell phone footage indicates that there were at least three officers with white-shirted uniforms present at the intersection, including one who appears to direct officers to arrest § 87(2)(b) and § 87(2)(b). The investigation has been unable to identify any of these officers.

Officers Interviewed

Police Officer Haque was interviewed by the CCRB on December 27, 2021. Police Officer Iodice was interviewed by the CCRB on January 19, 2022. § 87(2)(g)

Both officers stated that they were assigned to the 40th Precinct stationhouse on June 4, 2020. They were tasked with issuing summonses to any civilians taken into custody for violating the curfew. The two officers remained in the stationhouse for the entirety of their tours and did not go into the field. They were aware that there was a protest planned somewhere in the precinct that day but were not involved in the response. They did not know who was assigned to handle the protest or who supervised the police response. They did not know if any officers were brought in from outside commands to respond to the protest.

After 8:00 p.m., officers started delivering civilians who had been out after the curfew to the stationhouse. Police Officer Haque did not recall how many civilians were delivered. Police Officer Iodice estimated that there were about 60 people in total. Both officers stated that the prisoners arrived over the course of several hours. They did not know the names or commands of the officers who delivered the prisoners. They did not know if the officers who delivered the civilians to the stationhouse had been involved in the civilians' arrests. The officers spent several hours writing out summonses for the civilians' curfew violations. Neither officer recalled encountering a prisoner who had been arrested for a reason other than violating the curfew.

Neither officer was familiar with § 87(2)(b) or § 87(2)(b). They did not recall interacting with any of these civilians. They did not know when or where any of the prisoners at the stationhouse were taken into custody. They did not know if the prisoners were arrested together at one place or separately at different locations. They did not know if the civilians participated in a protest prior to their arrests. Neither officer was aware of how any of the civilians were taken into custody. They did not know if officers used physical force, profanity, or offensive language towards any of the civilians. They were not aware of officers damaging any of the civilians' property. Neither officer recalled any of the civilians displaying or

complaining of injuries.

Allegation Recitation and Disposition

The investigation was unable to identify the officers who took § 87(2)(b) and § 87(2)(b) into custody. Neither civilian testimony nor the video footage clearly identifies any of the individual officers. Police documents show that there were hundreds of officers from a variety of commands present at the protest. They do not clarify the roles that individual officers played in handling the protest. The only police documents that recorded what happened to § 87(2)(b) and § 87(2)(b) were their summonses. The summonses, however, were prepared by officers at the 40th Precinct stationhouse who did not participate in the arrests and were unaware of the circumstances of the arrests.

§ 87(2)(g)


Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review #20).

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on January 24, 2022. The results will be included in the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (Board Review #21).
- § 87(2)(b) (Board Review #21).
- § 87(2)(b) (Board Review #21).

Squad: 15

Investigator:	<u>Owen Godshall</u> Signature	<u>SI Owen Godshall</u> Print Title & Name	<u>01/27/2022</u> Date
Squad Leader:	<u></u> Signature	<u>IM Simon Wang</u> Print Title & Name	<u>02/01/22</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date